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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,813	06/05/2000	Bradley L. Northman	GEN10 P-318A	8719

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EXAMINER

SHAFFER, RICKY D

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,813

Applicant(s)

NORTHMAN ET AL

Examiner

Ricky D. Shafer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 2, drawn to a mirror assembly comprising a housing, a electrochromic mirror subassembly including a reflector, an indica panel, and at least one light source, wherein the said at least one light source emits a light matched in color to the characteristic color of the indica panel, classified in class 359, subclass 267.
 - II. Claims 3 and 7, drawn to a mirror assembly comprising a housing, a mirror subassembly including a reflector, an alphanumeric indica panel, and at least one light source, wherein the said at least one light source emits a light matched in color to the characteristic color of the indica panel, classified in class 340, subclass 815.53.
 - III. Claims 4-6, drawn to a mirror assembly comprising a housing, a mirror subassembly including a reflector, an indica panel, and at least one light source, wherein the said at least one light source emits a light matched in color to a amber color of the indica panel, classified in class 340, subclass 815.65.
 - IV. Claims 8-19, drawn to a mirror assembly comprising a housing, a mirror subassembly including at least one transparent element and a reflector, an amber, alphanumeric indicia panel including an opaque region and a plurality of non-opaque regions defining a plurality of indicia symbols and a plurality of light sources including a baffle subassembly, classified in class 359, subclass 267.

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- V. Claim 20, drawn to a mirror assembly comprising a housing, a mirror subassembly including a reflector, an indica panel, a printed circuit board and a plurality of LEDs, wherein the said at least one light source emits a light matched in color to the characteristic color of the indica panel, classified in class 340, subclass 815.45.

2. Claim 1 link(s) inventions I-IV and V. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claim 1. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions IV and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination

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as claimed does not require the particulars of the subcombination as claimed because of the omission of the details that mirror subassembly includes an electrochromic mirror subassembly, as evidenced by claim 8 to 16 and 19. The subcombination has separate utility such as a mirror assembly without a mirror subassembly including at least one transparent element, an amber, alphanumeric indicia panel including a plurality of non-opaque portions, a plurality of LEDS or a baffle.

Inventions IV and V are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the omission of the details that the plurality of light sources includes LEDs, as evidenced by claim 8 to 1, 18 and 19. The subcombination has separate utility such as a mirror assembly without a mirror subassembly including at least one transparent element, an amber, alphanumeric indicia panel including a plurality of non-opaque portions or a baffle.

Inventions I, II, III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each of the inventions I-III and V has separate utility such as a mirror assembly with the separate details of the other invention(s). For example, the mirror assembly of invention II has separate utility as a mirror assembly without the amber colored indica

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panel of invention III, the plurality of LEDs of invention V or the electrochromic mirror subassembly of invention I; the mirror assembly of invention III has separate utility as a mirror assembly without the plurality of LEDs of invention V, the electrochromic mirror subassembly of invention I or the alphanumeric indica panel of invention II; the mirror assembly the mirror assembly of invention V has separate utility as a mirror assembly without the electrochromic mirror subassembly of invention I, the alphanumeric indica panel of invention II or the amber colored indica panel of invention III; and the mirror assembly of invention I has separate utility as a mirror assembly without the alphanumeric indica panel of invention II, the amber colored indica panel of invention III or the plurality of LEDs of invention V See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification or recognized divergent subject matter or the search required for one the inventions is not required for any of the remaining inventions as indicated below. Therefore, restriction for examination purposes as indicated as proper.

The search required for invention IV would further require a search in class 340, subclass 815.56 which would not be required for inventions I-III and V.

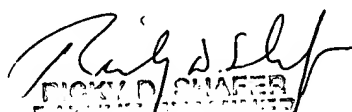
Note: Invention IV (claims 8-17) will be examined along with either Invention II or Invention III, if elected.

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5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
7. Any inquiry concerning this communication should be directed to R. D. Shafer at telephone number (703) 308-4813.

RDS

August 24, 2004


RICK D. SHAFER
PAT. OFFICER
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